

SENATE BILL 396

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SB 680/02 - EHE

2003 Regular Session  
3r0817

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By: **Senators Pinsky, Britt, Grosfeld, and Kelley**  
Introduced and read first time: January 31, 2003  
Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Children's Nutrition and Health in Schools Act**

3 FOR the purpose of requiring county boards of education to develop and adopt certain  
4 policies relating to vending machines in public schools; requiring county boards  
5 to submit certain policies to the State Department of Education on or before a  
6 certain date; requiring each school to install and use a certain timing device on  
7 every vending machine to operate the vending machine in a certain manner;  
8 requiring county boards to submit a certain report to the State Department of  
9 Education on or before a certain date; providing for the application of this Act;  
10 and generally relating to vending machines in public schools.

11 BY adding to  
12 Article - Education  
13 Section 7-1201 and 7-1202 to be under the new subtitle "Subtitle 12. Vending  
14 Machines in Public Schools"  
15 Annotated Code of Maryland  
16 (2001 Replacement Volume and 2002 Supplement)

17 Preamble

18 WHEREAS, Throughout the school day, students are consuming low-nutrient  
19 foods purchased from vending machines at school, a trend that has been accelerated  
20 by the pervasive advertising of snack food and beverage companies in school; now,  
21 therefore,

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
23 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Education**

## 2 SUBTITLE 12. VENDING MACHINES IN PUBLIC SCHOOLS.

3 7-1201.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
5 INDICATED.6 (B) "FOOD OF MINIMAL NUTRITIONAL VALUE" HAS THE MEANING STATED IN  
7 REGULATIONS FOR THE NATIONAL SCHOOL LUNCH PROGRAM ADOPTED BY THE  
8 UNITED STATES DEPARTMENT OF AGRICULTURE, UNDER 7 C.F.R. 210.11(A)(2).9 (C) "NUTRITIOUS FOODS" MEANS FOODS THAT PROVIDE GREATER THAN 5%  
10 OF THE REFERENCE DAILY INTAKES FOR EACH OF THE FOLLOWING NUTRIENTS PER  
11 100 CALORIES PER SERVING:

- 12 (1) PROTEIN;
- 13 (2) VITAMIN A;
- 14 (3) VITAMIN C;
- 15 (4) NIACIN;
- 16 (5) RIBOFLAVIN;
- 17 (6) THIAMINE;
- 18 (7) CALCIUM; AND
- 19 (8) IRON.

20 7-1202.

21 (A) EACH COUNTY BOARD SHALL DEVELOP AND ADOPT A POLICY REGARDING  
22 VENDING MACHINES THAT INCLUDES:23 (1) PROHIBITING STUDENTS ACCESS TO VENDING MACHINES  
24 CONTAINING FOODS OF MINIMAL NUTRITIONAL VALUE:25 (I) DURING THE 2003-2004 SCHOOL YEAR, FROM 12:01 A.M. UNTIL  
26 THE END OF THE LAST LUNCH PERIOD IN EACH SCHOOL EVERY SCHOOL DAY; AND27 (II) DURING THE 2004-2005 SCHOOL YEAR AND EACH SCHOOL YEAR  
28 THEREAFTER, FROM 12:01 A.M. UNTIL THE END OF THE OFFICIAL SCHOOL DAY IN  
29 EACH SCHOOL;30 (2) EXCEPT DURING ALL LUNCH PERIODS, ALLOWING STUDENTS  
31 ACCESS TO VENDING MACHINES CONTAINING NUTRITIOUS FOODS THROUGHOUT  
32 THE SCHOOL DAY;

1 (3) DURING THE 2003-2004 SCHOOL YEAR AND EACH SCHOOL YEAR  
2 THEREAFTER, REQUIRING THAT AT LEAST 50% OF ALL FOOD AND DRINK OPTIONS  
3 AVAILABLE IN VENDING MACHINES BE NUTRITIOUS FOODS;

4 (4) REQUIRING THE PRICE OF FOODS OF MINIMAL NUTRITIONAL VALUE  
5 SOLD IN VENDING MACHINES TO BE AT LEAST 25% HIGHER THAN THE PRICE OF  
6 NUTRITIOUS FOODS SOLD IN VENDING MACHINES;

7 (5) REQUIRING EACH SCHOOL TO KEEP RECORDS OF THE PROCEEDS  
8 COLLECTED AND THE EXPENDITURES MADE USING THE PROCEEDS COLLECTED  
9 FROM THE SALE OF PRODUCTS IN VENDING MACHINES;

10 (6) REQUIRING EACH CONTRACT THAT A SCHOOL ENTERS INTO WITH A  
11 VENDOR FOR VENDING MACHINES AND PRODUCTS SOLD IN VENDING MACHINES TO  
12 BE SUBMITTED TO THE COUNTY BOARD FOR REVIEW;

13 (7) CREATING A PROCEDURE THAT ALLOWS EACH CONTRACT THAT A  
14 SCHOOL ENTERS INTO WITH A VENDOR FOR VENDING MACHINES AND PRODUCTS  
15 SOLD IN VENDING MACHINES TO BE AVAILABLE FOR PUBLIC REVIEW;

16 (8) PROHIBITING CONTRACTS FOR VENDING MACHINES AND PRODUCTS  
17 SOLD IN VENDING MACHINES FROM EXCEEDING A TERM OF 3 YEARS;

18 (9) PROHIBITING A SCHOOL FROM RENEWING AN EXISTING CONTRACT  
19 OR ENTERING INTO A NEW CONTRACT IF THE SCHOOL:

20 (I) VIOLATES A COUNTY BOARD'S POLICY REGARDING VENDING  
21 MACHINE ACCESS BY STUDENTS; OR

22 (II) FAILS TO SUBMIT THE CONTRACT TO THE COUNTY BOARD FOR  
23 REVIEW;

24 (10) ENCOURAGING A REDUCTION IN STUDENT CONSUMPTION OF FOODS  
25 OF MINIMAL NUTRITIONAL VALUE ON SCHOOL PREMISES; AND

26 (11) PROHIBITING ANY PROVISION OF A CONTRACT THAT PROHIBITS  
27 EMPLOYEES AND STUDENTS FROM DISPARAGING THE GOODS OR SERVICES OF THE  
28 PARTY CONTRACTING WITH THE SCHOOL.

29 (B) EACH COUNTY BOARD SHALL SUBMIT ITS POLICIES TO THE DEPARTMENT  
30 ON OR BEFORE AUGUST 1, 2004.

31 (C) DURING THE 2004-2005 SCHOOL YEAR AND EACH SCHOOL YEAR  
32 THEREAFTER, EACH SCHOOL SHALL INSTALL AND USE A TIMING DEVICE ON EACH  
33 VENDING MACHINE TO AUTOMATICALLY PROHIBIT OR PERMIT ACCESS TO THE  
34 VENDING MACHINE IN ACCORDANCE WITH THE POLICIES CREATED BY THE COUNTY  
35 BOARD.

36 SECTION 2. AND BE IT FURTHER ENACTED, That each county board of  
37 education shall report to the State Department of Education on or before August 1,

1 2004 on the proceeds collected and the expenditures made using the proceeds  
2 collected from the sale of products in vending machines in the previous 3 years, if  
3 available.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be  
5 construed to apply only prospectively and may not be applied or interpreted to have  
6 any effect on or application to any obligation or contract right existing before the  
7 effective date of this Act.

8 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 July 1, 2003.